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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA**

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

vs.

MATTHEW WADE BEASLEY *et al.*

Defendants,

THE JUDD IRREVOCABLE TRUST *et al.*

Relief Defendants.

CASE NO. 2:22-cv-00612-CDS-EJY

**RECEIVER'S SECOND STATUS  
REPORT REGARDING USE OF  
COURT APPROVED  
PROFESSIONALS ON AN ONGOING  
BASIS**

Geoff Winkler, the Court-appointed Receiver (the "Receiver") submits this Status Report to apprise this Court of anticipated use of Court approved professionals assisting the Receiver on an ongoing basis ("Status Report") pursuant to this Court's request.

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## I. BACKGROUND REGARDING EMPLOYED PROFESSIONALS

The Court appointed Geoff Winkler of American Fiduciary Services LLC (“AFS”) to serve as Receiver in this matter on June 3, 2022. *See* ECF No. 88 (“Appointment Order”). Among other things, the Appointment Order authorized, empowered, and directed the Receiver to: (1) assume exclusive authority and control over the Receivership Entities; (2) conduct such investigation and discovery as necessary to identify and locate outstanding assets of the Receivership Entities; and (3) preserve and prevent the dissipation of such assets. *Id.* To assist in the performance of his duties under the Appointment Order, the Receiver sought and received Court approval to employ certain professionals.<sup>1</sup>

AFS is not a law firm and does not have the services of an in-house counsel to represent the Receiver in connection with ongoing proceedings. As such, pursuant to Section 7(F) of the Appointment Order, the Receiver proposed retaining Greenberg Traurig LLP (“Greenberg Traurig”), and Allen Matkins Leck Gamble Mallory & Natsis LLP (“Allen Matkins”), as co-lead counsel to provide legal services (ECF No. 90); and the law firm of Semenza Kircher Rickard (“Semenza Kircher”) as conflicts counsel (ECF No. 108). Additionally, the Receiver proposed the retention of Aitheras, LLC (“Aitheras”) as a litigation support consultant (ECF No. 455) and sought approval to employ the firm of Baker Tilly US, LLP (“Baker Tilly”) as tax professionals (ECF No. 196) to assist the estate.

To assist with selling real estate assets, the Receiver filed a motion to employ two realtors: 1) Joe DiRaffaele of eXp Realty (“DiRaffaele”) to facilitate the sale of property in Nevada; and 2) Todd Wohl of Premiere Estates International, Inc. (“Wohl”) to assist with the sale of properties located in Utah and California (ECF No. 264). Additionally, the Receiver requested the ability to employ Ben Tranquillo to assist with the sale of vehicles and certain personal property. *Id.*

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<sup>1</sup> The rates of the professionals and the manner in which they are paid for services rendered were also approved by the Court. As set forth in the applicable motions, the Receiver was able to obtain discounted rates from the professionals he employed.

1 The Receiver also sought Court approval for the employment of the law firm of Levine  
 2 Kellogg Lehman Schneider + Grossman LLP (“Levine Kellogg”) on a contingency basis as special  
 3 litigation counsel to investigate, and if appropriate, pursue claims against Wells Fargo Bank, N.A.  
 4 (“Wells Fargo”) (ECF No. 457).

5 The activities of the professionals engaged by the Receiver are reported in quarterly status  
 6 reports filed in this matter. Additionally, invoices for legal services rendered by Greenberg Traurig,  
 7 Allen Matkins, Semenza Kircher, Aitheras, and Baker Tilly are submitted on a quarterly basis to this  
 8 Court for review after such invoices are reviewed by the Securities and Exchange Commission  
 9 (“SEC”). A significant amount of work was required early on in this proceeding which yielded  
 10 significant benefit to the receivership estate. As can be seen in the fee applications, the amount of  
 11 work required by the Receiver’s professionals continues to decline, but for work on the forensic  
 12 accounting that is needed to move this matter forward. As the case matures and the Receiver  
 13 anticipates that the work needed by professionals will decrease. However, work still remains.

## 14 **II. ANTICIPATED ONGOING PROFESSIONAL SERVICES**

15 As set forth in the status report submitted to the Court on September 6, 2023 (ECF No. 569),  
 16 in an effort to save estate resources, the Receiver intends to utilize Greenberg Traurig for the majority  
 17 of the legal work needed going forward. Greenberg Traurig has a strong Nevada basis and broad  
 18 litigation experience and is well suited to assist the Receiver with ongoing tasks including, but not  
 19 limited to: reporting needs; defendant and investor communication; assisting in further asset  
 20 recovery efforts including evaluating perspective third-party claims and drafting necessary  
 21 complaints; developing a claims and distribution plan for this Court’s approval; and when necessary,  
 22 assisting the Receiver in connection with the enforcement of this Court’s orders.<sup>2</sup> Additionally, the  
 23 Receiver intends to utilize Greenberg Traurig to assist in pursuing litigation matters against third  
 24 parties as deemed necessary.<sup>3</sup>

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 27 <sup>2</sup> Due to Greenberg Traurig, LLP’s national footprint, the firm can assist in such efforts across the country  
 as needs arise.

28 <sup>3</sup> As set forth in the Receiver’s Motion for Leave to Pursue Litigation (ECF No. 614), the Receiver intends  
 to utilize Greenberg Traurig to pursue claims against Eco Battery, LLC and related parties.

Notwithstanding, the foregoing, the Receiver believes it prudent to continue to utilize Allen Matkins on discrete matters including providing assistance on matters in which they have previously played an substantial role including: handling the Ninth Circuit appeal from this Court's order denying a third party motion to intervene; handling subpoenas and communication with banks third-parties for information needed to complete the forensic account; and continuing to provide the Receiver with legal services on an as-needed basis for the duration of the pending receivership when deemed appropriate, based on their experience in federal receivership matters.<sup>4</sup> It is the Receiver's intention to wind down Allen Matkins work after their current projects are complete.

The law firm of Semenza Kircher will continue to act as conflicts counsel and will assist with subpoenas and handling other third party matters where Greenberg Traurig has a conflict.

As referenced above, Levine Kellogg is working on a contingency basis as special litigation counsel and will continue its representation of the Receiver in pursuing claims Wells Fargo.

In regard to non-legal professionals, Baker Tilly will continue to assist the Receiver with tax matters given the structure of the alleged Ponzi-scheme and tax implications associated with the same, including refilling of defendant tax returns to recover these funds for the receivership estate.

Aitheras will continue as a litigation support consultant and efforts have been taken and will continue to be taken to minimize expenses to the receivership estate.

In regard to professionals utilized to assist with selling assets, that process is winding down. Currently there are no properties listed for sale in Utah or California and only one property listed for sale in Clark County, Nevada. Due to the extended amount of time property 16 Paradise has been listed on the market in Las Vegas, the Receiver intends to file a motion in short order to approve bringing in a new real estate professional to assist with the selling the same. In regard to vehicles

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<sup>4</sup> The Receiver does not presently anticipate that Allen Matkins will provide legal services to the Receiver in connection with any litigation the Receiver may elect to prosecute against investors who may have profited from the alleged Ponzi scheme at issue in the above-entitled action, nor is Allen Matkins likely to provide legal services to the Receiver in connection with the turnover of receivership assets located in the State of Nevada.

1 and personal property, the Receiver intends to continue to use Mr. Tranquillo on an as needed basis  
2 to assist with the same.

3 Respectfully submitted, this 13th day of December, 2023.

4 **GREENBERG TRAURIG, LLP**

5 By: /s/ Kara B. Hendricks

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**CERTIFICATE OF SERVICE**

I hereby certify that on **December 13, 2023**, I caused the foregoing document to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the CM/ECF participants registered to receive such service.

/s/ Evelyn Escobar-Gaddi  
An employee of GREENBERG TRAURIG, LLP